

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

In re:

WAREHOUSE 86, LLC

Debtor

**CASE NO. 08-03423-EE
Chapter 11**

**ORDER GRANTING DEBTOR'S SECOND MOTION TO EXTEND EXCLUSIVE
RIGHT TO FILE AND OBTAIN CONFIRMATION OF PLAN**

[Dkt. # 140]

This matter came on for hearing on the *Second Motion to Extend Debtor's Exclusive Right to File Plan and Obtain Confirmation of Plan* (Dkt. # 140)(the "Motion") filed by the Debtor, Warehouse 86, LLC (the "Debtor"). The Court considered the Motion and finds and orders as follows:

1. On November 4, 2008 (the "Petition Date"), the Debtor filed with this Court its Voluntary Petition for relief under Chapter 11 of Title 11, United States Code (the "Bankruptcy Code"). The Debtor remains in possession of its assets and properties as debtor-in-possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code. An Official Committee of Unsecured Creditors has been appointed in this case.

2. This Court has jurisdiction over this matter pursuant to 28 U. S. C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. §157(b)(2)(A) and (O). Venue is proper in this Court under 28 U.S.C. §§ 1408 and 1409.

3. Notice of the Motion was served on all creditors and parties in interest, and no objection was timely filed thereto by any creditor or party in interest. The notice was reasonable, adequate and sufficient in all respects.

4. The 120-day period during which only the Debtor may file a plan specified by 11 U.S.C. § 1121(b) expired on March 4, 2008, but this Court entered its Order (Dkt. # 111) on March 27, 2009 granting an extension of the Debtor's exclusive right to file its Plan under 11 U.S.C. § 1121(d) until June 2, 2009.

5. Good cause exists for an extension of the Debtor's exclusive right to file its Plan under 11 U.S.C. § 1121(d) for 30 days from the revised expiration date, which is an appropriate extension under the circumstances.

6. This is the Debtor's second requested extension, and the requested extension is well within the maximum extension permitted by 11 U.S.C. § 1121(d)(2).

7. By the Motion, the Debtor has sought, pursuant to 11 U.S.C. § 1121(d), an order extending (i) the Plan Proposal Period through July 2, 2009 (30 days) and (ii) the Solicitation Period through September 2, 2009 (30 days), without prejudice to the Debtors' right to seek further extensions of the Exclusive Periods.

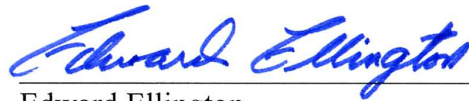
8. Such extensions will allow the Debtor additional necessary time to work toward formulation of its Plan and a successful conclusion of this Chapter 11 case.

9. Because the requested extension is for such a short period, and because the Official Committee of Unsecured Creditors and the United States Trustee have consented to this extension, no notice is required of this Motion.

IT IS, THEREFORE, ORDERED that the Debtor's *Second Motion to Extend Exclusive Right to File Plan and Confirm Plan* is granted so that the Debtor is granted a 30-day extension within which it has the exclusive right to file its Chapter 11 Plan, and the period of 11 U.S.C. § 1121(c)(1) is hereby extended by 30 days from June 2, 2009 until July 3, 2009.

IT IS FURTHER ORDERED that the time for the Debtor to have its Plan accepted under 11 U.S.C. § 1121(c)(3) also shall be extended by 30 days until September 2, 2009.

SO ORDERED.



Edward Ellington
United States Bankruptcy Judge
Dated: June 10, 2009

SUBMITTED BY:

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